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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,951	10/15/2003	Peijun Jiang	2003B043/2	8802

23455            7590            07/14/2006  
EXXONMOBIL CHEMICAL COMPANY  
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EXAMINER

CAIN, EDWARD J

ART UNIT            PAPER NUMBER

1714

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 10/686,951	<b>Applicant(s)</b> JIANG ET AL	
	<b>Examiner</b> Edward J. Cain	<b>Art Unit</b> 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 04 May 2006.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-426 is/are pending in the application.
  - 4a) Of the above claim(s) 72-108, 117-170, 185-359 and 376-426 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-71, 109-116, 171-184 and 360-375 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) 1-426 are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

Applicant's election with traverse of Group I in the reply filed on 5/4/06 is acknowledged. The traversal is on the ground(s) that the MPEP comes to the incorrect conclusion regarding independent and distinct. This is not found persuasive because the examiner disagrees with applicants' assessment of the MPEP.

The requirement is still deemed proper and is therefore made FINAL.

The information disclosure statements filed

- 1) 3/8/04;
- 2) 5/4/04;
- 3) 7/6/04;
- 4) 5/11/05;
- 5) 1/26/06

taken cumulatively, fail to comply with the provisions of 37 CFR 1.97 and MPEP 609 because it is deemed implausible that given the nature of the claimed subject matter that the lengthy IDS does not involve cumulative references. The cumulative IDS comprises 325 US patent documents, 32 US patent applications, 278 foreign patent documents and 63 non-patent literature documents. While the USPTO has relieved Applicants of the responsibility of submitting copies of many types of references, including US patent documents and applications, this is not seen as relieving Applicants of compliance with 37 CFR 1.98(c), which has the effect of removing cumulative information from consideration and from publication on the face of any issuing US patent(see also MPEP 609.4(a)(ii)(fifth paragraph, beginning "Second") and MPEP 2004(13)). The submissions have been placed in the application file, but the information

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referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this cumulative information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP 609.05(a).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-71, 109-116, 171-184 and 360-375 are rejected under 35 U.S.C. 102(e) as being anticipated by Markel et al.

Markel et al disclose propylene based polymer compositions suitable for hot melt adhesive applications. These compositions are taught as having branching indices and Mw's such as claimed instantly. While dyad and isotacticity values may not be explicitly addressed, values such as claimed instantly are seen as inherent to the compositions of the reference since other physicochemical limitations are met. Applicants limitation to glue sticks is seen as met by the teaching of hot melt adhesives by the reference since this type of adhesive is routinely supplied in the form of sticks or elongated pellets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F from 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on 571 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edward J. Cain  
Primary Examiner  
Art Unit 1714

